

SENATE EDUCATION COMMITTEE

AMENDMENT NO. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 2744

House Bill No. 2424*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 34, is amended by adding the following new section:

SECTION 49-6-3404.(a) In addition to the alternative schools provided for in Section 49-6-3402, each local education agency may enter into a joint memorandum of understanding with the juvenile court serving that area which:

(1) Outlines the responsibilities of the juvenile court concerning the establishing and operation of a juvenile justice alternative education program under this section;

(2) Defines the amount and conditions on payments from the local education agency to the juvenile court for students of the local education agency served in the juvenile justice alternative education program;

(3) Identifies those categories of conduct that the local education agencies defined in its student code of conduct as constituting serious or persistent misbehavior for which a student may be placed in the juvenile justice alternative education program;

(4) Identifies and requires a timely placement and specifies a term of placement for expelled students;

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(5) Establishes services for the transitioning of expelled students to the local education agency prior to the completion of the student's placement in the juvenile justice alternative education program;

(6) Establishes a plan that provides transportation services for students placed in the juvenile justice alternative education program;

(7) Establishes the circumstances and conditions under which a juvenile may be allowed to remain in the juvenile justice alternative education program;

(8) Establishes a plan to address special education services required by law; and

(9) Provides any other conditions or requirements deemed necessary by the court and the local education agency.

(b) Each local educational agency shall consider course credit earned by a student while in a juvenile justice alternative education program as credit earned in a district school. Each program shall administer the same proficiency and standardized test administered in public schools, and shall offer a high school equivalency program. The juvenile court or the court's designee, with the parent or guardian of each student, shall regularly review the student's academic progress. In the case of a high school student, the court or the court's designee, with the student's parent or guardian, shall review the student's progress towards

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meeting high school requirements and shall establish a specific graduation plan for the student.

(c) Academically, the mission of the juvenile justice alternative education program shall be to enable students to perform at grade level.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 6, Part 34, is amended by adding the following new section:

Section 49-6-3405. Each local education agency shall submit annually, or as often as the commissioner may direct, information on all children placed in an alternative education program. Such report shall contain information identifying the student, including the student's sex, race, and date of birth, and the specific conduct as set forth in Section 49-6-3401(a) which caused the student to be placed in a program. That information shall also be furnished to the judge having juvenile jurisdiction within the local education agency.

SECTION 3. Tennessee Code Annotated, Section 49-6-3401, is amended by adding the following new subsection:

(h)(1) A local education agency is authorized to enter into a memorandum of understanding with the juvenile court serving the area in which the local education agency is located to establish a juvenile justice alternative education program. Such programs shall be designated as "Juvenile Education Academies". A student who engages in conduct that the local education agency has defined in its student code of conduct as constituting serious or persistent

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misbehavior may be assigned to the juvenile justice alternative education program for the duration of the suspension or expulsion.

SECTION 4. Tennessee Code Annotated, Title 37, Chapter 1, Part 1, is amended by adding the following new section:

Section 37-1-175(a) A juvenile court is authorized to enter into a memorandum of understanding with any local education agency located within the jurisdiction of the court to establish and operate a "juvenile justice alternative education program", as specified in Title 49, Chapter 6, Part 34, and to supervise students assigned to the juvenile justice alternative education program by the local education agency.

(b) The juvenile court and/or the local education agency may enter into cooperative agreements or contracts with public agencies to provide management and/or professional services.

(c) If the juvenile court and the local education agency have entered into a memorandum of understanding on creation of a juvenile justice alternative education program, the juvenile court may:

(1) If the student is placed on probation by a juvenile court, order the student to attend the juvenile justice alternative education program in the county in which the student resides from the date of disposition as a condition of probation, unless the child is placed in a post-adjudication treatment facility;

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(2) If the student is placed on deferred prosecution by the court, prosecutor, or probation department, require the student to attend the juvenile justice alternative education program in the county in which the student resides for an indefinite period of time as a condition of the deferred prosecution; and

(3) In determining the conditions of the deferred prosecution or court-ordered probation, consider the length of the local education agency's order for the student.

SECTION 5. For purposes of accountability under Title 49, a student enrolled in a juvenile justice alternative education program is reported as if the student were enrolled at the student's assigned school in the student's local education agency, including a special education program. The state board of education, in consultation with local boards of education and juvenile court judges, shall develop and implement a system of accountability consistent with Title 49 to assure that students made progress toward grade level while attending a juvenile justice alternative education program. The board shall adopt rules for the distribution of funds appropriated under the section to juvenile courts in counties which establish juvenile justice education programs.

SECTION 6. Licensed educators employed in juvenile justice alternative programs shall be employees of the juvenile court and shall be eligible for the same employee benefits as other employees of the juvenile court. These licensed, certified

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educators shall not be eligible for tenure under the provisions of Tennessee Code Annotated, Title 49, Chapter 5, Part 5.

SECTION 7. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision of application, and to that end the provisions of this act are declared to be severable.

SECTION 8. For the purpose of developing and promulgating any necessary rules or regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 1998, the public welfare requiring it.

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